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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 JUAN RAMON RANGEL,

11 Plaintiff,

12 vs.

13 SYNCHRONY BANK,

14 Defendant.
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Case No.: 5:17-cv-00177

[Removal from the Superior Court of
the State of California for the County
of San Jose – Small Claims Division,
Case No. 16SC067389]

NOTICE OF REMOVAL

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1 Defendant Synchrony Bank (“Synchrony”), by counsel, pursuant to 28 U.S.C.
2 §§ 1331, 1441 and 1446, hereby notices removal of the state court civil action known
3 as *Juan Ramon Rangel v. Synchrony Bank*, Case No. 16SC067389, from the Superior
4 Court of the State of California for the County of Santa Clara, to the United States
5 District Court for the Northern District of California, and in support thereof states as
6 follows.

7 1. On or about November 17, 2016, Plaintiff Juan Ramon Rangel
8 (“Plaintiff”) filed a Complaint against Synchrony (the “Complaint”) in the Superior
9 Court of the State of California for the County of Santa Clara – Small Claims Division
10 (the “State Court”). In compliance with 28 U.S.C. § 1446(a), a true and correct copy
11 of all process, pleadings, and orders served upon Synchrony is attached hereto as
12 **Exhibit 1.**

13 2. On December 13, 2016, Synchrony was served by a process server
14 through its registered agent, CT Corporation.

15 3. Except for the notice filed with respect to this Notice of Removal, as of
16 the date of this filing, no pleadings, motions, or papers other than the Complaint, have
17 been filed with the State Court in this action.

18 4. As set forth more fully below, this case is properly removed to this Court
19 pursuant to 28 U.S.C. § 1441 because Synchrony has satisfied the procedural
20 requirements for removal, and this Court has subject matter jurisdiction over this
21 action pursuant to 28 U.S.C. § 1331.

22 **GROUND FOR REMOVAL**

23 **I. Synchrony Has Satisfied The Procedural Requirements For Removal.**

24 5. Synchrony’s registered agent received the Complaint by process server
25 on December 13, 2016. Therefore, this Notice of Removal is timely filed under 28
26 U.S.C. § 1446(b) because Synchrony is filing its Notice of Removal within 30 days of
27 its receipt of the initial pleading setting forth the claim for relief upon which such
28 action is based.

6. This Court is the proper division because it embraces the Superior Court of the State of California for the County of Santa Clara – Small Claims Division, where Plaintiff’s action is pending. *See* 28 U.S.C. §§ 1441 and 1446(a).

7. No previous request has been made for the relief requested herein.

8. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on Plaintiff, and a copy is being filed with the State Court Clerk.

II. Removal Is Proper Because This Court Has Subject Matter Jurisdiction.

9. Under 28 U.S.C. § 1331, United States District Courts are vested with jurisdiction to consider cases or controversies “arising under” the laws of the United States of America. *See* 28 U.S.C. § 1331.

10. Removal of such cases is governed by 28 U.S.C. § 1441(b). Section 1441(b) makes clear that a case brought in state court, raising a federal question, “*shall* be removable” to the United States District Courts “without regard to the citizenship or residence of the parties.” *See* 28 U.S.C. § 1441(b) (emphasis added).

11. Here, Plaintiff’s Complaint purports to assert a claim against Synchrony for alleged violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (the “FCRA”). *See* Complaint, at 2.

12. Plaintiff’s Complaint alleges violations of a federal statute, the FCRA, and consequently “arises under” the laws of the United States. *See* 28 U.S.C. § 1331. Therefore, this Court may properly exercise jurisdiction over this claim.

13. To the extent that any other claims in this action may arise under state law, supplemental jurisdiction over such claims exists pursuant to 28 U.S.C. § 1367.

14. Given that the requirements for federal question jurisdiction are satisfied, this case is properly removed.

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1 **WHEREFORE**, Defendant Synchrony Bank, by counsel, respectfully requests
2 that the above-referenced action, originally filed in the Superior Court of the State of
3 California for the County of Santa Clara – Small Claims Division, be removed to this
4 Court pursuant to 28 U.S.C. §§ 1441 and 1446.

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6 DATED: January 12, 2017

Reed Smith LLP

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8 By: /s/ Zachary C. Frampton
9 Zachary C. Frampton
10 Attorneys for Defendant
11 Synchrony Bank
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